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June 29, 1992

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VIA FEDERAL EXPRESS

Office of Waste Programs Enforcement (OS-510)
United States Environmental
Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Attention: Fred Zimmerman

Re: In the Matter of CIW Site, Romulus, Michigan
Employers Insurance of Wausau
Petition for Reimbursement of Costs
Under 42 U.S.C. Section 9606(b)(2)

Dear Mr. Zimmerman:

As you know, our firm recently contacted Mr. Greenberg of the Department of Justice regarding the tolling, or rather the non-applicability of the thirty (30) day provision of CERCLA Section 106(b)(2)(B), to the USEPA's June 2, 1992 "preliminary decision" letter, which letter we received via certified mail on June 8, 1992. As we understand it, Mr. Greenberg contacted you and Mr. Greenberg then subsequently informed us that you would countersign this letter and confirm the United States of America's and the United States Environmental Protection Agency's agreement to the following.

Specifically, under CERCLA Section 106(b)(2)(B), if the USEPA refuses to grant all or part of a Petition for Reimbursement under Section 106(b)(2), the petitioner may file, within thirty (30) days of receipt of the refusal, an action against the President and the USEPA in the United States District Court seeking reimbursement from the Fund. With respect to the USEPA's June 2, 1992 "preliminary decision" letter, the letter does not constitute a refusal to

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grant or a final decision, and that the thirty (30) day provision contained in Section 106(b)(2)(B) has not begun to run and is not running.

On the assumption that the above correctly states the position of the United States of America and the United States Environmental Protection Agency, please countersign the enclosed duplicate original of this letter and return via express mail to the attention of the undersigned, for receipt by us by Wednesday, July 1, 1992.

Very truly yours,

JOHNSON & BELL, LTD.



Frederick S. Mueller

FSM:ps
w/encl.

bcc: Alan D. Greenberg/DOJ (Via Fax: 202-514-2584)

Fred Zimmerman for the
United States of America and the
United States Environmental Protection Agency